

# Notice of Allowability

Application No.

09/929,666

Examiner

Vickie Kim

Applicant(s)

ANDERSON ET AL.

Art Unit

1614

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Feb. 02/2004.
2. ☒ The allowed claim(s) is/are 1,3,4 and 13-21.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____   |

Vickie Kim  
Primary Examiner  
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### EXAMINER'S AMENDMENT

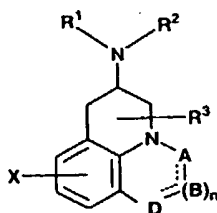
1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Patel, Sandip on 3/10/04.

2. The application has been amended as follows:

a. Replace the claim 1 with newer amended version as following:

--- Claim 1 (currently amended): A method of treating or suppressing the symptoms of addictive disorders selected from the group consisting of alcohol addiction, tobacco addiction, nicotine addiction, and intoxication and inhalation disorders associated with alcohol, tobacco and nicotine addiction, said method comprising the step of administering to a patient in need of treatment a therapeutically effective, nontoxic amount of an active agent wherein the active agent is a heterocyclic amine of the formula:



or a pharmaceutically acceptable salt thereof, wherein:

Amend  
3/18/04  
W

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$R^1$ ,  $R^2$  and  $R^3$  are each independently hydrogen,  $C_{1-6}$  alkyl,  $C_{3-5}$  alkenyl,  $C_{3-5}$  alkynyl,  $C_{3-7}$  cycloalkyl,  $C_{4-10}$  cycloalkyl- or phenyl- substituted  $C_{1-6}$  alkyl, or  $R^1$  and  $R^2$  are joined to form a  $C_{3-7}$  cyclic amine which can contain additional heteroatoms and/or unsaturation;

$n$  is 0 or 1;

$X$  is hydrogen,  $C_{1-6}$  alkyl, halogen, alkoxy, cyano, carboxamide, carboxyl, or carboalkoxyl;

$A$  is  $CH$ ,  $CH_2$ ,  $CH$ -halogen,  $CHCH_3$ ,  $C=O$ ,  $C-SCH_3$ ,  $C=NH$ ,  $C-NH_2$ ,  $C-NHCH_3$ ,  $C-NHCOOCH_3$ ,  $C-NHCN$ ,  $SO_2$ , or  $N$ ;

$B$  is  $CH_2$ ,  $CH$ ,  $CH$ -halogen,  $C=O$ ,  $N$ ,  $NH$ ,  $N-CH_3$ , or  $O$ ;

$D$  is  $CH_2$ ,  $CH$ ,  $CH$ -halogen,  $C=O$ ,  $O$ ,  $N$ ,  $NH$ ,  $N-CH_3$ ;

and pharmaceutically acceptable derivatives or salts of said active agent. ---

3/18/04  
W  
b. In claim 17, lines 2-3, delete the phrase [selected from the group consisting of a heterocyclic amine, a phenylazacycloalkane, and a cabergoline] right before "administered".


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c. In claim 18, lines 2-3, delete the phrase [selected from the group consisting of a heterocyclic amine, a phenylazacycloalkane, and a cabergoline] right before "administered".

### **Conclusion**

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3. All the pending claims are allowed.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickie Kim whose telephone number is 571-272-0579(fax: 571-273-0579). The examiner can normally be reached on Tuesday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel can be reached on 571-272-0584. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-3165 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

**VICKIE KIM**  
**PRIMARY EXAMINER**



Vickie Kim  
March 20, 2004  
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